



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: LANDEGREN=1A

In re Application of:)	Art Unit: 1656
Ulf LANDEGREN et al)	Examiner: S. Chunduru
Appln. No.: 09/785,657)	Washington, D.C.
Date Filed: February 20, 2001)	Confirmation No. 5356
For: METHOD AND KITS FOR)	February 13, 2002
PROXIMITY PROBING)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants are in receipt of an Office Action mailed January 14, 2002, entirely in the nature of a requirement for restriction.

Applicants have claimed benefit of domestic priority from their provisional application, and acknowledgement thereof by the PTO would be appreciated.

Restriction was required between what the PTO deems to be two patentably distinct inventions as outlined at the top of numbered page 2 of the Office Action mailed January 14, 2002. Applicants hereby provisionally and respectfully elect Group I, presently claims 1-7 and 13-18, with traverse and without prejudice.

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Applicants traversal is in part based on MPEP 803 which requires examination of an entire application, even though the restriction requirement is proper, if it would not constitute a serious burden to examine plural groups. In this case, it is quite clear that the method and the kit for the method are so closely tied that a complete examination of one will necessarily require a full consideration of the other. Under these circumstances, the requirement should be withdrawn, and applicants so request.

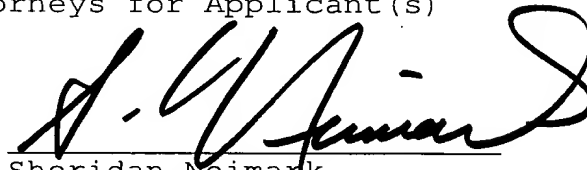
Moreover, applicants respectfully do not agree with the analysis of the PTO that the product "as claimed" in Group II can be used in a materially different process, i.e. purification assays, or hybridization assays. Even if it were correct that the Group II kit could be used in purification assays or hybridization assays, these assays would not constitute methods which are "**materially** different" (if different at all) from the elected method of Group I. Also, it is the product "as claimed" which must be compared to the method "as claimed"; in this case, the kit "as claimed" is specified in the claims themselves as being for the method of Group I. Therefore, the kit "as claimed" cannot be used in another method, let alone one which is materially different.

Applicants respectfully request withdrawal of the restriction requirement, and respectfully await the results of a first examination on the merits.

Respectfully submitted,

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